

### **Remarks**

Claims 1-6, 8-16, 18-20, 25, and 26 were rejected in the Office Action. In this response, no claims have been amended, added, or canceled. Consequently, it is respectfully submitted that no new matter has been introduced. Accordingly, claims 1-6, 8-16, 18-20, and 25-26 remain pending and are believed to be in condition for allowance.

### **Claim Rejections – 35 U.S.C. § 103(a)**

#### **Claims 1-6, 8-16, 18-20, and 25-26**

These claims are rejected under 35 USC § 103(a) as being unpatentable over Majeti et al (US 5,512,935) (“Majeti”) in view of Rothblatt (US 6,105,060) (“Rothblatt”). The rejections are respectfully traversed.

Claim 1 currently recites:

A method comprising:

receiving, by a server system, a selection to buy an upgraded media feature for a programming transmission from a client system via a first communication media;

automatically coordinating purchase, by the server system, of the upgraded media feature for the programming transmission with one of a plurality of programming transmission sources via a second communication media, the first communication media different than the second communication media; and

automatically coordinating provision, by the server system, of the upgraded media feature for the programming transmission, the programming transmission and upgraded media feature to be provided from the one programming transmission source to the client system via a third communication media, the third communication media different than the first and second communication media.

The art relied upon by the Examiner fails to teach or suggest, among other things, receiving, by the server system, a selection to buy an upgraded media feature for a programming transmission, or automatically coordinating provision of the upgraded media feature for the programming transmission source, the programming transmission and upgraded media feature to be provided from the one programming transmission source to the client system.

Majeti is directed toward providing an improved method of apparatus for alerting the user of a personal computer that predetermined parameter set by the user has been reached.<sup>1</sup> If the user fails to acknowledge the alert from the personal computer, the system enables an alert to be displayed on an associated television.

In the rejection, the Examiner asserts “the client system requesting content from the enhanced service providers” over a PSTN communications network 24, teaches or suggests “receiving, by the server system, a selection to buy an upgrade media feature for a programming transmission ....” The Applicants respectfully disagree. When reading claim 1 as a whole, as required by law, it is clear that the upgraded media feature is for the programming transmission (e.g. it enhances the programming transmission). In contrast, Majeti merely teaches the ESPs as providing information subscribed to by the user.<sup>2</sup> The information is transmitted to the user in tandem with a cable television signal, but one of ordinary skill in the art would never construe such data as an upgraded media feature for the programming transmission as it is neither related to, nor for, the programming transmission. As further evidence of this non-existent relationship, Majeti expressly teaches that information provided by the ESPs is “split” from the cable television signal and sent to a personal computer.

Rothblatt fails to cure this deficiency. The Examiner has relied on Rothblatt merely for the purpose of disclosing the purchase of a supplemental data. Rothblatt, however, fails to teach or suggest any use of upgraded media features or the architecture recited in claim 1. For at least this reason, claim 1 is allowable over Majeti and Rothblatt, either alone or in combination.

Additionally, the Applicants respectfully assert that Majeti and Rothblatt also fail to teach or fairly suggest the feature of automatically coordinating provision, by the server system, of the upgraded media feature for the programming transmission, the programming transmission and upgraded media feature to be provided from the one programming transmission source to the client system via a third communication media. As mentioned previously, the ESPs merely provide information requested by the user. This information is then combined by a cable signal, downstream from the ESP, and transmitted in tandem to the user where the two are subsequently separated. Even assuming the ESPs provide upgraded media features, which the Applicants

---

<sup>1</sup> *Majeti*, c.2 ll.38-40.

dispute, there is simply no teaching or suggestion that the ESPs provide both the upgraded media feature and the programming transmission, as recited by the claims. For at least this additional reason, claim 1 is allowable over Majeti and Rothblatt alone or in combination.

Independent claims 8, 14, 18, 25, and 26, include generally similar recitations to those of claim 1 discussed above. Therefore, the claims are allowable for at least the same reasons. Dependent claims 2-6, 9-13, 15-16, and 19-20, depend either directly or indirectly from independent claims 1, 8, 14, and 18, respectively, thereby incorporating their recitations. Therefore, for at least the same reasons that claims 1, 8, 14, and 18 are allowable, claims 2-6, 9-13, 15-16, and 19-20 are similarly allowable.

### **Conclusion**

Claims 1-16, 18-20, and 25-26 remain pending, no claims have been added or canceled. As set forth above, Applicants submit that these claims are allowable and thus respectfully request allowance of the same. If the examiner has any questions regarding the substance of this office action response, he is invited to contact the undersigned at 503-796-2408.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: October 24, 2008

/Rob McDowell/  
Robert D. McDowell  
Reg. No. 59,062

Pacwest Center, Suite 1900  
1211 SW Fifth Avenue  
Portland, Oregon 97204  
Telephone: 503-222-9981

---

<sup>2</sup> *Majeti*, c.3 ll.35-38.